

the terms and conditions of the Settlement Agreement.

(Pub. L. 106-568, title VI, § 607, Dec. 27, 2000, 114 Stat. 2911.)

EFFECTIVE DATE

Section effective on date on which the Secretary determines that certain conditions with respect to the Settlement Agreement and provisions of title VI of Pub. L. 106-568 have been met, see section 611(b) of Pub. L. 106-568, set out as a note under section 1778 of this title.

§ 1778f. Satisfaction of claims, waivers, and releases

(a) Satisfaction of claims

The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this subchapter shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described in section 1778 of this title and further defined in the Settlement Agreement.

(b) Approval of waivers and releases

The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this subchapter.

(Pub. L. 106-568, title VI, § 608, Dec. 27, 2000, 114 Stat. 2912.)

EFFECTIVE DATE

Section effective on date on which the Secretary determines that certain conditions with respect to the Settlement Agreement and provisions of title VI of Pub. L. 106-568 have been met, see section 611(b) of Pub. L. 106-568, set out as a note under section 1778 of this title.

§ 1778g. Miscellaneous provisions

(a) Eligibility for benefits

Nothing in this subchapter or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) Eligibility for other services not affected

No payment pursuant to this subchapter shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) Preservation of existing rights

Except as provided in this subchapter or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) Amendment of Settlement Agreement

The Settlement Agreement may be amended from time to time in accordance with its terms and conditions to the extent that such amendments are not inconsistent with the trust land acquisition provisions of the Settlement Agreement, as such provisions existed on—

(1) December 27, 2000, in the case of Modifications One and Three; and

(2) September 14, 2000, in the case of Modification Four.

(Pub. L. 106-568, title VI, § 609, Dec. 27, 2000, 114 Stat. 2912.)

§ 1778h. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this subchapter.

(Pub. L. 106-568, title VI, § 610, Dec. 27, 2000, 114 Stat. 2912.)

CHAPTER 20—TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE

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This chapter is referred to in sections 13d-2, 458cc of this title; title 20 sections 1131a, 1131c, 1401, 2327, 2373, 3489, 7011, 7454; title 29 section 3002.

§ 1801. Definitions

(a) For purposes of this chapter, the term—

(1) "Indian" means a person who is a member of an Indian tribe;

(2) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(3) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(4) "tribally controlled college or university" means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe;

(5) "institution of higher education" means an institution of higher education as defined by section 1001¹ of title 20, except that clause

(2) of such section shall not be applicable and the reference to Secretary in clause (5)(A)² of such section shall be deemed to refer to the Secretary of the Interior;

(6) "national Indian organization" means an organization which the Secretary finds is nationally based, represents a substantial Indian constituency, and has expertise in the field of Indian education;

(7) "Indian student count" means a number equal to the total number of Indian students enrolled in each tribally controlled college or university, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve; and

(8) "satisfactory progress toward a degree or certificate" has the meaning given to such term by the institution at which the student is enrolled.

(b) The following conditions shall apply for the purpose of determining the Indian student count pursuant to paragraph (7) of subsection (a) of this section:

(1) Such number shall be calculated on the basis of the registrations of Indian students as in effect at the conclusion of the third week of each academic term.

(2) Credits earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term.

(3) Credits earned by any student who has not obtained a high school degree or its equivalent shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student's ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student's aptitude to successfully complete the course in which the student has enrolled. No credits earned by such student for purposes of obtaining a high school degree or its equivalent shall be counted toward the computation of the Indian student count.

(4) Indian students earning credits in any continuing education program of a tribally controlled college or university shall be included in determining the sum of all credit hours.

(5) Credits earned in a continuing education program shall be converted to a credit-hour basis in accordance with the tribally controlled college or university's system for providing credit for participation in such program.

(6) No credit hours earned by an Indian student who is not making satisfactory progress toward a degree or certificate shall be taken into account.

(Pub. L. 95-471, §2, formerly §1, Oct. 17, 1978, 92 Stat. 1325; renumbered §2 and amended Pub. L.

¹ So in original. Probably should be section "1001(a)".

² So in original. Probably should be "(5)".